

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

| | | |
|---|---|-----------------------------|
| JANE ROE, |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | |
| v. |) | Civil No. 1:20-cv-00066-WGY |
| |) | |
| UNITED STATES OF AMERICA, <i>et al.</i> , |) | |
| |) | |
| <i>Defendants.</i> |) | |
| |) | |
| |) | |

**PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT
AGAINST THE INDIVIDUAL-CAPACITY DEFENDANTS**

Plaintiff Jane Roe (“Roe”), by and through her attorney, hereby moves for partial summary judgment on the issue of liability against the individual-capacity defendants, Anthony Martinez, James Ishida, Roger Gregory, Sheryl Walter, and John Doe(s) in the Office of General Counsel,¹ pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.1.

This motion is brought on the grounds that there is no genuine question as to any material fact and judgment should be entered in Roe’s favor as a matter of law because defendants violated her rights under the Fifth Amendment and 42 U.S.C. §§ 1985(3), 1986. Roe’s motion is based on the accompanying memorandum of law, which is being filed contemporaneously herewith and is incorporated herein by reference pursuant to Fed. R. Civ. P. 10(c), the

¹ Though John Doe(s) did not accept service, Doe(s) has actual or constructive notice of this lawsuit. *See* ECF No. 73, at 2 (noting that summary judgment opposition is subject to “review” at “the Office of General Counsel”).

declarations accompanying her prior motion for partial summary judgment against the official capacity and entity defendants, *see* ECF No. 60, the pleadings and papers on file herein, and such other argument as may be presented to the Court.

This the 1st day of October, 2020.

Respectfully Submitted,

/s/ Cooper Strickland
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Gill P. Beck at Gill.Beck@usdoj.gov

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